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UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA DIVISION

In re

MOISEY FRIDMAN and

ROSA FRIDMAN,

Debtors.

KARL ANDERSON, Chapter 7 Trustee,
Plaintiff,

v.

ALEX FRIDMAN and VAL FRIDMAN,
Defendants.

Case No. 8:12-bk-11721-ES

Chapter 7

Adv. No. 8:14-ap-____-ES

COMPLAINT FOR:

- (1) AVOIDANCE OF
FRAUDULENT TRANSFERS;**
- (2) AVOIDANCE OF
UNAUTHORIZED POST
PETITION TRANSFERS; AND**
- (3) RECOVERY OF AVOIDED
TRANSFERS**

[11 U.S.C. §§ 548, 549 and 550]

Status Conference:

Date: To Be Set

Time: To Be Set

Place: Courtroom 5A

U.S. Bankruptcy Court

411 West Fourth Street

Santa Ana, California 92701

1 **TO THE HONORABLE ERITHE A. SMITH, UNITED STATES BANKRUPTCY JUDGE:**

2 Plaintiff Karl Anderson, Chapter 7 Trustee (the “Plaintiff” or “Trustee”) for the
3 bankruptcy estate of Moisey Fridman and Rosa Fridman, avers as follows:
4

5 **JURISDICTION AND VENUE**

6 1. This Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C.
7 §§ 151, 157, and 1334, and 11 U.S.C. §§ 548, 549 and 550 and Local Rules and Orders of the
8 United States District Court for the Central District of California governing the reference and
9 conduct of proceedings arising under or related to cases under Title 11 of the United States Code,
10 including General Order No. 266, dated October 9, 1984.

11 2. This adversary proceeding is a core proceeding under 28 U.S.C. § 157(b)(2)(A),
12 (F), (H) and (O).

13 3. Venue is proper in this Court under 28 U.S.C. § 1409(a) as this adversary
14 proceeding arises under and in connection with a case under Title 11 which is pending in this
15 district.

16 **PARTIES**

17 4. Plaintiff is informed and believes, and based thereon alleges that Alex Fridman
18 (“Alex”) is an individual residing in San Francisco, California and is subject to the jurisdiction of
19 this Court.

20 5. Plaintiff is informed and believes, and based thereon alleges that Val Fridman
21 (“Val” together with Alex, “Defendants”) is an individual residing in Fountain Valley, California
22 and is subject to the jurisdiction of this Court.

23 **GENERAL ALLEGATIONS**

24 6. On February 12, 2012 (the “Petition Date”), Moisey Fridman and Rosa Fridman
25 (collectively, the “Debtors”) filed a voluntary petition under Chapter 13 of 11 U.S.C. § 101 *et seq.*
26 (as amended, the “Bankruptcy Code”).
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1 7. Subsequently, on or about May 24, 2012, the Court entered an order converting the
2 Debtors' case to on under Chapter 7 of the Bankruptcy Code. Thereafter, the Plaintiff was
3 appointed as the Chapter 7 Trustee of the Debtors' bankruptcy estate, a capacity in which he
4 continues to serve.

5 8. On February 10, 2012, the Debtors commenced a Chapter 13 bankruptcy case by
6 filing a voluntary petition for relief under the Bankruptcy Code (the "Petition Date").

7 9. On May 24, 2012, the Debtors filed a Notice of Conversion of Bankruptcy Case
8 From Chapter 13 to Chapter 7.

9 10. Thereafter, the Plaintiff became the duly appointed Chapter 7 Trustee of the
10 Debtors' bankruptcy estate (the "Estate"). A Notice of Appointment of Trustee and Fixing of
11 Bond; Acceptance of Appointment As Trustee was filed with the Court on July 11, 2012.
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13 11. Plaintiff is informed and believes, and based thereon alleges that the Defendants
14 are the Debtors' sons. Thus, Plaintiff is informed and believes and based thereon alleges that the
15 Defendants are brothers.

16 12. Plaintiff is informed and believes, and based thereon alleges that, on the Petition
17 Date, the Debtors owned the real property located at 1100 Rutland Road, #7, Newport Beach, CA
18 92660 (the "Newport Property").

19 13. Plaintiff is informed and believes, and based thereon alleges that in September
20 2011, the only lien which encumbered the Newport Property was a home equity line of credit in
21 favor of Union Bank, N.A. with account number ending 2182.

22 14. Plaintiff is further informed and believes and based thereon alleges that on
23 September 2, 2011, the unpaid balance owed by the Debtors pursuant to the equity line was
24 \$14,959.69.

25 15. Plaintiff is informed and believes, and based thereon alleges that, on September 15,
26 2011, Debtor Moisey Fridman wrote Check No. 102 from the Union Bank equity line account
27 number ending 2182 payable to Moisey Fridman in the amount of \$5,000.00. Plaintiff is informed
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1 and believes, and based thereon alleges that, the Debtors also made a payment to Union Bank in
2 the amount of \$200 and interest was charged in the amount of \$39.12. Plaintiff is informed and
3 believes, and based thereon alleges that, the Debtors' balance owed to Union Bank for this home
4 equity line of credit on October 1, 2011 was \$19,798.81.

5 16. Plaintiff is informed and believes, and based thereon alleges that, on November 2,
6 2011, the balance owed on the Debtors' home equity line of credit with Union Bank was
7 \$19,593.81.

8 17. Plaintiff is informed and believes, and based thereon alleges that, on November 7,
9 2011, debtor Moisey Fridman wrote Check No. 103 from the Union Bank equity line account
10 number ending 2182 payable to Moisey Fridman in the amount of \$9,800.00. Plaintiff is informed
11 and believes that the Debtors cashed this check.

12 18. Plaintiff is informed and believes, and based thereon alleges that, on November 8,
13 2011, debtor Moisey Fridman wrote Check No. 104 from the Union Bank equity line account
14 number ending 2182 payable to Moisey Fridman in the amount of \$14,515.00. Plaintiff is
15 informed and believes that the Debtors cashed this check.

16 19. Plaintiff is informed and believes, and based thereon alleges that, on November 9,
17 2011, debtor Rosa Fridman wrote Check No. 105 from the Union Bank equity line account
18 number ending 2182 payable to Rosa Fridman in the amount of \$10,000.00. Plaintiff is informed
19 and believes that the Debtors cashed this check.

20 20. Plaintiff is informed and believes, and based thereon alleges that, on November 10,
21 2011, debtor Moisey Fridman wrote Check No. 106 from the Union Bank equity line account
22 number ending 2182 payable to Moisey Fridman in the amount of \$8,000.00. Plaintiff is informed
23 and believes that the Debtors cashed this check.

24 21. Plaintiff is informed and believes, and based thereon alleges that, on November 10,
25 2011, debtor Rosa Fridman wrote Check No. 107 from the Union Bank equity line account
26 number ending 2182 payable to Rosa Fridman in the amount of \$6,000. Plaintiff is informed and
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1 believes that the Debtors cashed this check.

2 22. Plaintiff is informed and believes, and based thereon alleges that, the checks
3 written by the Debtors to themselves against their equity line account number ending 2182 from
4 November 7, 2011 through November 10, 2011 totaled \$48,315. Plaintiff is informed and
5 believes, and based thereon alleges that, the balance owing on the Debtors' equity line on
6 December 1, 2011 was \$68,966.71.

7 23. Plaintiff is informed and believes, and based thereon alleges that, the balance
8 owing on the Debtors' equity line account number ending 2182 on January 1, 2012 was
9 \$69,675.96.

10 24. Plaintiff is informed and believes, and based thereon alleges that, on January 24,
11 2012, debtor Moisey Fridman wrote Check No. 109 from the Union Bank equity line account
12 number ending 2182 payable to Moisey Fridman in the amount of \$3,000.00. Plaintiff is informed
13 and believes that the Debtors cashed this check.

14 25. Plaintiff is informed and believes, and based thereon alleges that, on January 24,
15 2012, debtor Moisey Fridman wrote Check No. 116 from the Union Bank equity line account
16 number ending 2182 payable to Moisey Fridman in the amount of \$10,000.00. Plaintiff is
17 informed and believes, and based thereon alleges that, the check indicates it was for Morris &
18 Stone LLP, the firm handling the Debtors' appeal from the judgment obtained against them in
19 action filed by Karl Avetoom against the Debtors for abuse of process, civil harassment,
20 intentional infliction of emotional distress and civil conspiracy (the "Avetoom Action"). Plaintiff
21 is informed and believes and based thereon alleges that the Debtors obtained a cashier's check
22 with the funds and delivered the cashier's check to Aaron Morris.

23 26. Plaintiff is informed and believes, and based thereon alleges that, on January 24,
24 2012, debtor Moisey Fridman wrote Check No. 117 from the Union Bank equity line account
25 number ending 2182 payable to Moisey Fridman in the amount of \$15,000.00. Plaintiff is
26 informed and believes, and based thereon alleges that, the check indicates that it was for an IRA
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1 60-day rollover return. Plaintiff is informed and believes, and based thereon alleges that, the
2 Debtors obtained a cashier's check with these funds and deposited the cashier's check into their
3 IRA account with Fidelity Investments.

4 27. Plaintiff is informed and believes, and based thereon alleges that, on January 24,
5 2012, debtor Moisey Fridman wrote Check No. 118 from the Union Bank equity line account
6 number ending 2182 payable to Moisey Fridman in the amount of \$9,950.00. Plaintiff is informed
7 and believes that the Debtors cashed this check.

8 28. Plaintiff is informed and believes, and based thereon alleges that, on January 24,
9 2012, debtor Moisey Fridman wrote Check No. 120 from the Union Bank equity line account
10 number ending 2182 payable to Moisey Fridman in the amount of \$1,750.00.

11 29. Plaintiff is informed and believes, and based thereon alleges that, the checks
12 written by the Debtors to themselves against their equity line account number ending 2182 on
13 January 24, 2012 totaled \$39,700.00. Plaintiff is informed and believes, and based thereon alleges
14 that, the balance owing on their equity line on February 1, 2012 was \$114,023.61.

15 30. Plaintiff is informed and believes, and based thereon alleges that, on February 3,
16 2012, debtor Moisey Fridman wrote Check No. 122 from the Union Bank equity line account
17 number ending 2182 payable to Moisey Fridman in the amount of \$3,500.00. Plaintiff is informed
18 and believes that the Debtors cashed this check.

19 31. Plaintiff is informed and believes, and based thereon alleges that, on March 1,
20 2012, the balance owing on the Debtors' Union Bank equity lien account number ending 2182
21 was \$120,818.15.

22 32. The Plaintiff is informed and believes, and based thereon alleges that no less than
23 \$50,000.00 of the funds withdrawn from the Debtors' Union Bank equity line account number
24 ending 2182 is unaccounted for and the Debtors' have failed to disclose the use, transfer or
25 dissipation of the aforementioned funds.

26 33. Plaintiff is informed and believes, and based thereon alleges that, the Debtors
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1 transferred the sum of at least \$50,000.00 in cash belonging to the Debtors to Val (the
2 “Transfer”).

3 34. Plaintiff is informed and believes, and based thereon alleges that after the Petition
4 Date, on or about May 21, 2013, Val transferred the monies that he received from the Transfer to
5 the subsequent transferee, Alex.

6 35. Plaintiff is informed and believes, and based thereon alleges that Alex used the
7 funds that he received from Val to purchase a one-third interest in the real property located at
8 16542 Blackbeard Lane, Huntington Beach, California 92649 (the “Property”).

9 36. Plaintiff is informed and believes, and based thereon alleges that the remainder of
10 the purchase price for the Property was paid by the Debtors with monies received on account of
11 their homestead exemption claimed by the Debtors in their bankruptcy case and received by the
12 Debtors during the administration of their bankruptcy case resulting from the prior sale of real
13 property owned by the Debtors on the Petition Date.

14 37. Plaintiff is informed and believes, and based thereon alleges that title to the
15 Property is held in equal 1/3 parts by Alex and each of the Debtors pursuant to the purchase of the
16 Property by Alex and the Debtors in May of 2013.

17 38. Plaintiff is informed and believes, and based thereon alleges that Alex does not
18 reside at the Property.

19 39. Plaintiff is informed and believes, and based thereon alleges that the Debtors reside
20 at the Property.

21 40. Plaintiff is informed and believes, and based thereon alleges that there may be
22 other relevant transfers from the Debtors to the Defendants or one of the Defendants, and will
23 amend this Complaint to include such additional transfers at such time as they are ascertained.
24

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FIRST CLAIM FOR RELIEF

(Against Val)

(To Avoid Fraudulent Transfers - 11 U.S.C. § 548(a)(1)(A) and 550(a))

41. Plaintiff incorporates herein by reference the foregoing paragraphs 1 through 40 of this Complaint as if set forth in full herein.

42. Plaintiff is informed and believes, and based thereon alleges that the Transfer was made within two years prior to the Petition Date.

43. Plaintiff is informed and believes, and based thereon alleges that Val is an insider of the Debtors because he is the Debtors' son.

44. Plaintiff is informed and believes, and based thereon alleges that the Transfer was made by Debtors to Val with the actual intent to hinder, delay or defraud Debtors' creditors because the Debtors transferred the Transfer in an effort to hide the funds transferred from their creditors so that the Debtors could use the funds to purchase the Property.

45. The Transfer constitutes a fraudulent transfer under 11 U.S.C. § 548 and therefore is avoidable by the Plaintiff.

SECOND CLAIM FOR RELIEF

(Against Val)

(To Avoid Fraudulent Transfers - 11 U.S.C. § 548(a)(1)(B) and 550(a))

46. Plaintiff incorporates herein by reference the foregoing paragraphs 1 through 40 of this Complaint as if set forth in full herein.

47. Plaintiff is informed and believes, and based thereon alleges that the Transfer was made within two years prior to the Petition Date.

48. Plaintiff is informed and believes, and based thereon alleges that Val is an insider of the Debtors because he is the Debtors' son.

49. Plaintiff is informed and believes, and based thereon alleges that the Debtors received less than reasonably equivalent value in exchange for the Transfer.

50. Plaintiff is informed and believes, and based thereon alleges that the Debtors were insolvent on the date that the Transfer was made, or became insolvent as a result of the Transfer.

51. Plaintiff is informed and believes, and based thereon alleges that by virtue of the Transfer, the Debtors were engaged in or were about to engage in a business or a transaction for which their remaining assets were unreasonably small in relation to the business or transaction.

52. Plaintiff is informed and believes, and based thereon alleges that by virtue of the Transfer, the Debtors intended to incur, or believed that the Debtors would incur, debts that would be beyond the Debtors' ability to pay as such debts matured.

53. Plaintiff is informed and believes, and based thereon alleges that by virtue of the Transfer, the Debtors made the Transfer to or for the benefit of an insider, or incurred such obligation to or for the benefit of an insider, under an employment contract and not in the ordinary course of business.

54. The Transfer constitutes a fraudulent transfer under 11 U.S.C. § 548 and therefore is avoidable by the Plaintiff.

THIRD CLAIM FOR RELIEF

(Against Val)

(To Avoid Post Petition Transfers - 11 U.S.C. § 549 and 550)

55. Plaintiff incorporates herein by reference the foregoing paragraphs 1 through 40 of this Complaint as if set forth in full herein.

56. The Plaintiff is informed and believes, and based thereon alleges that Transfer was made after the Petition Date.

57. The Plaintiff is informed and believes, and based thereon alleges that, the Debtors made the Transfer to, or for the benefit of, Val.

58. The Plaintiff is informed and believes, and based thereon alleges that the Transfer was made without the Trustee's knowledge and/or consent and was therefore unauthorized.

///

1 59. The Plaintiff is informed and believes, and based thereon alleges that Transfer was
2 a transfer of a property interest of Debtors.

3 60. The Plaintiff is informed and believes, and based thereon alleges that informed and
4 believes, and based thereon alleges that the Transfer was not authorized under the Bankruptcy
5 Code or by the Bankruptcy Court.

6 61. Accordingly, under 11 U.S.C. §§ 549 and 550, the Transfer is avoidable by the
7 Trustee.

8
9 **FOURTH CLAIM FOR RELIEF**

10 **(Against Alex)**

11 **(To Avoid Fraudulent Transfers - 11 U.S.C. § 548(a)(1)(A) and 550(a))**

12 62. Plaintiff incorporates herein by reference the foregoing paragraphs 1 through 40 of
13 this Complaint as if set forth in full herein.

14 63. Plaintiff is informed and believes, and based thereon alleges that the Transfer was
15 made within two years prior to the Petition Date.

16 64. Plaintiff is informed and believes, and based thereon alleges that Alex is an insider
17 of the Debtors because he is the Debtors' son.

18 65. Plaintiff is informed and believes, and based thereon alleges that the Transfer was
19 made by Debtors to Val and then to Alex with the actual intent to hinder, delay or defraud
20 Debtors' creditors because the Debtors transferred the Transfer in an effort to hide the funds
21 transferred from their creditors so that the Debtors could use the funds to purchase the Property.

22 66. The Transfer constitutes a fraudulent transfer under 11 U.S.C. § 548 and therefore
23 is avoidable by the Plaintiff.

24 **FIFTH CLAIM FOR RELIEF**

25 **(Against Alex)**

26 **(To Avoid Fraudulent Transfers - 11 U.S.C. § 548(a)(1)(B) and 550(a))**

27 67. Plaintiff incorporates herein by reference the foregoing paragraphs 1 through 40 of
28

1 this Complaint as if set forth in full herein.

2 68. Plaintiff is informed and believes, and based thereon alleges that the Transfer was
3 made within two years prior to the Petition Date.

4 69. Plaintiff is informed and believes, and based thereon alleges that Alex is an insider
5 of the Debtors because he is the Debtors' son.

6 70. Plaintiff is informed and believes, and based thereon alleges that the Debtors
7 received less than reasonably equivalent value in exchange for the Transfer.

8 71. Plaintiff is informed and believes, and based thereon alleges that the Debtors were
9 insolvent on the date that the Transfer was made, or became insolvent as a result of the Transfer.

10 72. Plaintiff is informed and believes, and based thereon alleges that by virtue of the
11 Transfer, the Debtors were engaged in or were about to engage in a business or a transaction for
12 which their remaining assets were unreasonably small in relation to the business or transaction.

13 73. Plaintiff is informed and believes, and based thereon alleges that by virtue of the
14 Transfer, the Debtors intended to incur, or believed that the Debtors would incur, debts that would
15 be beyond the Debtors' ability to pay as such debts matured.

16 74. Plaintiff is informed and believes, and based thereon alleges that by virtue of the
17 Transfer, the Debtors made the Transfer to or for the benefit of an insider, or incurred such
18 obligation to or for the benefit of an insider, under an employment contract and not in the ordinary
19 course of business.

20 75. The Transfer constitutes a fraudulent transfer under 11 U.S.C. § 548 and therefore
21 is avoidable by the Plaintiff.

22
23 **SIXTH CLAIM FOR RELIEF**

24 (Against Alex)

25 (To Avoid Post Petition Transfers - 11 U.S.C. § 549 and 550)

26 76. Plaintiff incorporates herein by reference the foregoing paragraphs 1 through 40 of
27 this Complaint as if set forth in full herein.
28

1 77. The Plaintiff is informed and believes, and based thereon alleges that Transfer was
2 made after the Petition Date.

3 78. The Plaintiff is informed and believes, and based thereon alleges that, the Debtors
4 made the Transfer to, or for the benefit of, Alex.

5 79. The Plaintiff is informed and believes, and based thereon alleges that the Transfer
6 was made without the Trustee's knowledge and/or consent and was therefore unauthorized.

7 80. The Plaintiff is informed and believes, and based thereon alleges that the Transfer
8 was a transfer of a property interest of Debtors.

9 81. The Plaintiff is informed and believes, and based thereon alleges that informed and
10 believes, and based thereon alleges that the Transfer was not authorized under the Bankruptcy
11 Code or by the Bankruptcy Court.

12 82. Accordingly, under 11 U.S.C. §§ 549 and 550, the Transfer is avoidable by the
13 Trustee.
14

15 **SEVENTH CLAIM FOR RELIEF**

16 **(Against both Defendants)**

17 **(To Recover Avoided Transfers - 11 U.S.C. § 550)**

18 83. Plaintiff incorporates herein by reference the foregoing paragraphs 1 through 82 of
19 this Complaint as if set forth in full herein.

20 84. Plaintiff is informed and believes, and based thereon alleges, Val was the initial
21 transferee of the Transfer because the Transfer was made to Val from the Debtors.

22 85. Plaintiff is informed and believes, and based thereon alleges, Alex was the
23 immediate or mediate transferee of the Transfer because Val transferred the funds that Val
24 received from the Transfer to Alex.

25 86. Upon avoidance of the Transfer, Plaintiff is entitled to recover from Defendants
26 the amounts transferred or the value of the amounts transferred, for the benefit of the Debtors'
27 estate pursuant to 11 U.S.C. § 550.
28

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

On the First Claim for Relief:

A. For a determination by the Court that the Transfer was a fraudulent transfer within the meaning of 11 U.S.C. §§ 548(a)(1)(A) and 550;

B. For a judgment against Val avoiding the Transfer and recovering the transferred property or the value of such property for the benefit of Debtors' bankruptcy estate; and

C. For such other and further relief as the Court deems just and proper.

On the Second Claim for Relief:

D. For a determination by the Court that the Transfer was a fraudulent transfer within the meaning of 11 U.S.C. §§ 548(a)(1)(B) and 550;

E. For a judgment against Val avoiding the Transfer and recovering the transferred property or the value of such property for the benefit of Debtors' bankruptcy estate; and

F. For such other and further relief as the Court deems just and proper.

On the Third Claim for Relief:

G. For a determination by the Court that the Transfer was a post petition transfer within the meaning of 11 U.S.C. §§ 549 and 550;

H. For a judgment against Val avoiding the Transfer and recovering the transferred property or the value of such property for the benefit of the Debtor's bankruptcy estate; and

I. For such other and further relief as the Court deems just and proper.

On the Fourth Claim for Relief:

J. For a determination by the Court that the Transfer was a fraudulent transfer within the meaning of 11 U.S.C. §§ 548(a)(1)(A) and 550;

K. For a judgment against Alex avoiding the Transfer and recovering the transferred property or the value of such property for the benefit of Debtors' bankruptcy estate; and

L. For such other and further relief as the Court deems just and proper.

On the Fifth Claim for Relief:

M. For a determination by the Court that the Transfer was a fraudulent transfer within the meaning of 11 U.S.C. §§ 548(a)(1)(B) and 550;

N. For a judgment against Alex avoiding the Transfer and recovering the transferred property or the value of such property for the benefit of Debtors' bankruptcy estate; and

O. For such other and further relief as the Court deems just and proper.

On the Sixth Claim for Relief:

P. For a determination by the Court that the Transfer was a post petition transfer within the meaning of 11 U.S.C. §§ 549 and 550;

Q. For a judgment against Alex avoiding the Transfer and recovering the transferred property or the value of such property for the benefit of the Debtor's bankruptcy estate; and

R. For such other and further relief as the Court deems just and proper.

On the Seventh Claim for Relief:

S. For a judgment granting Plaintiff the right to recover the Transfer or the value of the Transfer from Defendants; and

T. For such other and further relief as the Court deems just and proper.

As to All Claims for Relief:

U. The Plaintiff seeks pre-judgment and post-judgment interest, attorneys' fees, costs of suit, and all other amounts allowed by law.

DATED: February 7, 2014

LEVENE, NEALE, BENDER, YOO
& BRILL L.L.P.

By: /s/ Anthony A. Friedman
TODD A. FREALY
ANTHONY A. FRIEDMAN
Attorneys for Plaintiff,
Karl Anderson, Chapter 7 Trustee

ADVERSARY PROCEEDING COVER SHEET (Instructions on Page 2)		ADVERSARY PROCEEDING NUMBER (Court Use Only)
PLAINTIFFS KARL ANDERSON, Chapter 7 Trustee,	DEFENDANTS ALEX FRIDMAN and VAL FRIDMAN,	
ATTORNEYS (Firm Name, Address, and Telephone No.) LEVENE, NEALE, BENDER, YOO & BRILL, L.L.P. 10250 Constellation Boulevard, Ste.1700, Los Angeles, CA 90012 Telephone No. 310-229-1234	ATTORNEYS (If Known)	
PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input checked="" type="checkbox"/> Trustee	PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input checked="" type="checkbox"/> Other <input type="checkbox"/> Trustee	
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) Avoidance of Fraudulent Transfers, Avoidance of Unauthorized Post Petition Transfers, and Recovery of Avoided Transfers. [11 U.S.C. §§ 548, 549 and 550]		
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)		
FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input checked="" type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input checked="" type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny (continued next column)	FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)	
<input type="checkbox"/> Check if this case involves a substantive issue of state law <input type="checkbox"/> Check if a jury trial is demanded in complaint	<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23 Demand \$ 50,000.00	
Other Relief Sought Pre- and post-judgment interest, attorneys' fees, and costs		

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR MOISEY FRIDMAN and ROSA FRIDMAN,		BANKRUPTCY CASE NO. 8:12-bk-11721
DISTRICT IN WHICH CASE IS PENDING CENTRAL DISTRICT OF CALIFORNIA	DIVISIONAL OFFICE SANTA ANA	NAME OF JUDGE ERITHE A. SMITH
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISIONAL OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF) /s/ Anthony A. Friedman		
DATE 2/7/14	PRINT NAME OF ATTORNEY (OR PLAINTIFF) ANTHONY A. FRIEDMAN	

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also complete and file Form 104, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not presented by an attorney, the plaintiff must sign.